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November 16, 1999

BY HAND DELIVERY

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In the Matter of
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Littlefield, Arizona, et al.)
Docket No. 99-282; RM-9710

Dear Ms. Salas:

Transmitted herewith on behalf of Death Valley Broadcasters are an original and four (4) copies of its "Reply Comments" as directed to the Mass Media Bureau, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,

Henry E. Crawford

Henry E. Crawford
Counsel for
Death Valley Broadcasters

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Littlefield, Arizona, et al.)

Docket No. 99-282

RM-9710

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS

Death Valley Broadcasters ("Death Valley"), by counsel, pursuant to 47 CFR §§ 1.415, 1.420, hereby submits its *Reply Comments* in response to the Comments on Proposed Rule Making ("Comments") filed by Mountain West Broadcasting ("Mountain West") on November 1, 1999. In support thereof, Death Valley states as follows:

1. In the original Notice of Proposed Rule Making ("NPRM") proposing to allot Channel 265C to Littlefield, Arizona, the Commission observed that:

We note that the 1998 Rand McNally Commercial Atlas and Marketing Guide attributes Littlefield with a post office, zip code (86432) and a population of 100 persons. However, those few attributes are not sufficient to establish community status. See Coker, Alabama, 43 RR 2d 190, 193 (1978). Petitioner did not provide documented evidence to identify the community attributes it associates with Littlefield or shown that they are intended to serve Littlefield as opposed to other areas. Therefore, petitioner and

other interested parties filing comments on this proposal are requested to present the Commission with specific information regarding the attributes of Littlefield, Arizona, consistent with the guidelines set forth above. Failure to provide the specific information requested will result in a denial of the proposal.

NPRM, p. 4 (emphasis supplied). In its Comments, Mountain West acknowledges that the proposed location has a population of only 100 persons.¹ It reiterates its claim that Littlefield has a post office and a zip code.² Beyond that Mountain West adds almost nothing.

2. Mountain West claims that Littlefield has its own Fire Department³ but did not provide the name, address or any other details regarding this purported governmental service. Mountain West further suggests that there are “several retail businesses including Hidden Valley Preserve....” However, the businesses are not mentioned by name and no description is provided for “Hidden Valley Preserve.” Mountain West has not specifically identified these entities or shown that they are intended to serve Littlefield, as opposed to the expanded desert area beyond Littlefield. Mountain West also references Littlefield Community College and Littlefield Golf Course, but these entities are not further identified and Mountain West does not indicate where they are located.

3. The Commission has traditionally rejected claims of community status where a nexus has not been shown between the political, social and

¹ Comments, p. 1. The US Census Bureau does not recognize Littlefield, Arizona as a community. See, U.S. Census Web Page, attached hereto as Exhibit 1. According to the Census Bureau, the zip code itself has a population of only 87 persons. See, U.S. Census Web Page, attached hereto as Exhibit 2.

² Comments, p. 1.

³ Id.

commercial organizations and the community in question. See *Gretna, Marianna, Quincy and Tallahassee, Florida*, 6 FCC Rcd 633 (1991). In the present case, absent specific details regarding the supposed businesses and governmental services, Mountain West's generalized assertions fall way short of the showing required to demonstrate that Littlefield, Arizona is a community for allotment purposes. See *Mokelumme Hill, California*, 4 FCC Rcd 7108 (1989), *Klamath Falls, Altamont and Butte Falls, Oregon, and Dorris, California*, 10 FCC Rcd 7583 (1995) and *Avon, North Carolina*, 14 FCC Rcd 3939 (1999).

4. In *Amazonia, Missouri*, MM Docket No. 99-137, Released September 24, 1999, the Commission rejected a similar Mountain West proposal involving a community with a population of 257 persons. The *Amazonia* community was well over twice the size of Littlefield in terms of population. There, as here, Mountain West failed to provide any specific details regarding governmental services or businesses.

5. In *Pleasant Dale, Nebraska*, MM Docket No. 99-156, Released October 22, 1999, the Commission failed to find a community for allotment purposes for a location possessing 253 persons. There, Mountain West argued that the community had a mayor and a town council in addition to the asserted post office and zip code. In the case of Littlefield, Mountain West does not claim the presence of a mayor, a town council or any other local political body. With respect to the post office, the Commission has held that the existence of a post office is insufficient, by itself, to demonstrate that a place is a community for allotment

purposes. See Broadview, Montana, MM Docket 99-79, released September 3, 1999.

6. In Kanarraville, Utah, MM Docket No. 99-127, Released September 24, 1999, the Commission dismissed a Mountain West proposal involving a community of 228 person, again, over twice the population of Littlefield, Arizona. In Kanarraville, The Commission faulted Mountain West for not providing:

- ♦ affidavits from residents of Kanarraville;
- ♦ name and address of the mayor, council members;
- ♦ evidence that rural residents view Kanarraville as a center for shopping and medical services;
- ♦ names and addresses of schools, parks, civic associations.

Kanarraville, p. 2. None of these items were presented by Mountain West in the case of Littlefield.

7. Mountain West did attach copies of various web pages from an Internet site entitled Yellowpages.com. If anything, these web pages confirm that Littlefield is not a community for allotment purposes. For example, the post office is listed in Yellowpages.com as the only governmental entity operating in Littlefield. It is a federal government listing. There are no other listings under the category of "Government and Public Administration" for Littlefield at the web site. Hence, the web site confirms the lack of any local political organization. As for the Beaver Dam service station and lodge, the web site makes no attempt to show that there is any meaningful connection between these entities and the political and social life of Littlefield. They are mere hits in a search engine and do

not demonstrate anything in regards to the community life of Littlefield. Finally, Mountain West offers five web pages of peoples names. However, the views and opinions of these people in connection to Littlefield are never established by Mountain West. In the final analysis Mountain West offers only a list of names - and a rather short one at that.

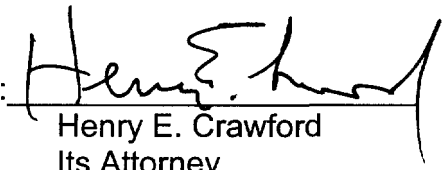
8. In sum, the Mountain West has failed to demonstrate in its Comments that Littlefield, Arizona is a community for allotment purposes. Its showing is far less than other showings that have been flat out rejected by the Commission. Consequently, the Mountain West proposal in the present case cannot be accepted by the Commission.

WHEREFORE, it is respectfully submitted that the proposal advanced by Mountain West Broadcasting in its petition for rulemaking and contained in the NPRM be denied in its entirety.

November 16, 1999

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Respectfully Submitted,
Death Valley Broadcasters

By: 
Henry E. Crawford
Its Attorney

Death Valley Broadcasters
Reply Comments
November 16, 1999

EXHIBIT 1

U.S. Census Bureau

U.S. Gazetteer

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

Sorry, no matches found for "city=Littlefield&state=AZ&zip=".

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the *USGS Geographic Names Information System*.
The *US Gazetteer Place and Zipcode files* used in this service is available for downloading.

For additional information, comments and suggestions, see the [Feedback](#) page.

Death Valley Broadcasters
Reply Comments
November 16, 1999

EXHIBIT 2

U.S. Census Bureau

U.S. Gazetteer

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

- **Zip Code: 86432** PO Name: Littlefield (AZ)
Population (1990): 87
Location: 36.866524 N, 113.913693 W
Browse Tiger [Map](#) of area.
Lookup 1990 Census zipcode data from [STF3B](#).

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the [USGS Geographic Names Information System](#).
The [US Gazetteer Place and Zipcode files](#) used in this service is available for downloading.

For additional information, comments and suggestions, see the [Feedback](#) page.

CERTIFICATE OF SERVICE

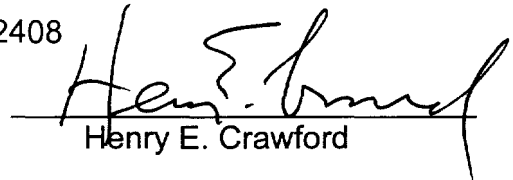
I, Henry E. Crawford, do hereby certify that copies of the foregoing Reply Comments have been served by United States mail, postage prepaid this 16th day of November, 1999 upon the following:

*John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
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